

1 VALLE MAKOFF LLP
Jeffrey B. Valle (CA Bar No. 110060)
2 jvalle@vallemakoff.com
JULIE J. ROBACK (Bar No. 175528)
3 jroback@vallemakoff.com
11911 San Vicente Blvd., Suite 324
4 Los Angeles, California 90049
Telephone: (310) 476-0300
5 Facsimile: (310) 476-0333

6 Attorneys for Plaintiff
7 Taras Volgemut

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION
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12 Taras Volgemut, an individual,

13 Plaintiff,

14 v.

15 Dieter P. Abt, an individual,

16 Defendant.
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Case No. 2:12-cv-06678-JCG

TARAS VOLGEMUT'S REQUEST
TO ENTER DEFAULT AND
REQUEST FOR DEFAULT
JUDGMENT BY CLERK

TARAS VOLGEMUT'S REQUEST TO ENTER DEFAULT AND REQUEST FOR DEFAULT
JUDGMENT BY CLERK

1 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

2 Plaintiff Taras Volgemut hereby requests pursuant to Federal Rules of Civil
3 Procedure 55(a) that the Clerk of the above-entitled Court enter default in this matter
4 against defendant Dieter P. Abt on the ground that said defendant has failed to appear
5 or otherwise respond to the complaint within the time prescribed by the Federal Rules
6 of Civil Procedure. Plaintiff served the complaint on defendant Dieter P. Abt on
7 September 10, 2012, via substitute service, evidenced by the proof of service of
8 summons on file with this Court [Docket # 5]. The above stated facts are set forth in
9 the accompanying declaration of Julie J. Roback, filed herewith.

10 Plaintiff Taras Volgemut also hereby simultaneously requests a default
11 judgment by Clerk against defendant Dieter P. Abt pursuant to Rule 55(b)(1) of the
12 Federal Rules of Civil Procedure based on the following:

13 1. Entry of clerk's default: As shown above, Plaintiff hereby concurrently
14 requests an entry of default based on Defendant's failure to respond or appear.

15 2. Proof required for clerk's default judgment: The declaration of Julie J.
16 Roback filed herewith pursuant to the Central District Local Rule 55-1, establishes
17 proof of: (a) a sum that can be made certain by calculation is due and owing plaintiff
18 Taras Volgemut by said defendant Dieter P. Abt; (b) pursuant to a contract claim (the
19 Loan Agreement entered into by Plaintiff and Defendant is attached to the declaration
20 of Julie J. Roback as Exhibit A); (c) that defendant is not in military service and is
21 neither a minor nor an incompetent person; and (d) costs properly awardable by clerk.

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27 3. Judgment to be entered.

1 Damages of \$1,000,000 loaned to Defendant pursuant to Loan Agreement;
2 Prejudgment interest authorized by Loan Agreement at 9 percent per annum
3 amounting to \$79,004.23 as of October 25, 2012;
4 Attorneys fees pursuant to Central District Local Rule 55-3 in the amount of
5 \$25,180.09 (\$5600 plus 2% of amount in excess of \$100,000 (i.e. \$979,004.43));
6 Costs of \$705.55.

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8 Dated: October 25, 2012

VALLE MAKOFF LLP

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10 By: /s/ Jeffrey B. Valle
11 Jeffrey B. Valle
12 Attorneys for Plaintiff
13 Taras Volgemut
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